

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

February 18, 1998

	)	
UNITED STATES OF AMERICA,	)	
Complainant,	)	
	)	8 U.S.C. § 1324a Proceeding
v.	)	
	)	OCAHO Case No. 97A00138
R. MARLIN MANUFACTURING AND	)	
DISTRIBUTING, INC.,	)	
Respondent.	)	
	)	

FINAL DECISION AND ORDER APPROVING CONSENT FINDINGS

This is an action arising under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a (INA or the Act). On April 13, 1993, the Immigration and Nationalization Service (INS or Complainant) served a Notice of Intent to Fine on R. Marlin Manufacturing & Distributing, Inc. (Marlin or Respondent), alleging that Marlin hired and continued to employ a single alien knowing that alien to be unauthorized for such employment, that Marlin failed to ensure that twenty-one named individuals hired after November 6, 1986 properly completed Section 1 of the Employment Eligibility Verification Form (Form I-9), that Marlin failed to properly complete Section 2 of the Form I-9 for twenty-two named individuals hired after November 6, 1986, that Marlin failed to ensure that three named individuals hired after November 6, 1986 properly completed Section 1 and failed itself to complete Section 2 of the Form I-9 for those individuals, and that Marlin failed to prepare a Form I-9 for one named individual hired after November 6, 1986. After Respondent's written request for a hearing dated April 28, 1993, the INS filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), on July 2, 1997.

On February 11, 1998, the parties filed a Joint Motion to Approve Consent Findings, together with a Settlement Agreement signed by both parties which resolves all issues in the complaint.

Under § 68.14(a)(1) of the OCAHO Rules of Practice and Procedure:

(a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:

(1) Submit to the presiding Administrative Law Judge:

- (i) the proposed agreement containing consent findings; and
- (ii) a proposed decision and order;

28 C.F.R. § 68.14(a)(1).

In this case, I find that the parties have complied with the requirements of 28 C.F.R. § 68.14(a)(1). I have reviewed the Settlement Agreement, and find that its terms are appropriate in timeliness, form, and substance pursuant to 28 C.F.R. §§ 68.14(a), (b), and (c).

I further find that under the terms of the Agreement, and pursuant to 28 C.F.R. §§ 68.14 (b) and (c):

1. respondent has withdrawn its request for a hearing on the merits;
2. respondent admits the allegations of Counts I through V of the Complaint and agrees to pay the civil money penalties of \$6,030.00 according to the schedule set forth in the agreement and to cease and desist from any further violations of the Act;
3. the parties have waived any further procedural steps before the administrative law judge;
4. the parties have waived any right to challenge or contest the validity of this decision and order;
5. the entire record on which the decision and order is based consists solely of the complaint, the notice of hearing, the answer, complainant's motion for a more definite statement, a memorandum of prehearing conference, the joint motion to approve consent findings, and the settlement agreement containing consent findings, which are hereby incorporated by reference;
6. this decision and order shall have the same force and effect as a decision and order made after a full hearing and shall become the final agency order of the Attorney General unless vacated or modified within thirty days by the Chief Administrative Hearing Officer. 28 C.F.R. § 53(a)(2).

SO ORDERED.

Dated and entered this 18th day of February, 1998.

---

Ellen K. Thomas  
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of February, 1998, I have served copies of the foregoing Final Decision and Order Approving Consent Findings on the following individuals at the addresses indicated:

Dea Carpenter, Esq.  
Associate General Counsel  
Immigration and Naturalization Service  
425 "I" St., NW, Room 6100  
Washington, D.C. 20536-9999

Monica M. Little, Esq.  
Assistant District Counsel  
Immigration and Naturalization Service  
P.O. Box 531551  
Los Angeles CA 90053-1551

R. Marlin Manufacturing & Distributing, Inc.  
302 North Townsend St.  
Santa Anna, CA 92703

Office of the Chief Administrative Hearing Officer  
5107 Leesburg Pike, Suite 2519  
Falls Church, VA 22041

---

Cynthia A. Castañeda  
Legal Technician to  
Ellen K. Thomas  
Administrative Law Judge  
Office of the Chief Administrative Hearing Officer  
5107 Leesburg Pike, Suite 1905  
Falls Church, VA 22041  
(703) 305-1742